IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JOHN B. ADRAIN,	§	
	§	
Plaintiff,	§	Case No. 2:10-cv-173
	§	
vs.	§	**JURY TRIAL DEMANDED**
	§	
VIGILANT VIDEO, INC. and THE CITY OF PORT ARTHUR, TEXAS,	§ §	
	§	
Defendants.	§	

JOHN B. ADRAIN'S REPLY TO THE COUNTERCLAIM OF VIGILANT VIDEO, INC.

Plaintiff John B. Adrain ("Adrain") files this reply to the Counterclaim of Vigilant Video, Inc. ("Vigilant") and states:

COUNTERCLAIM

21.

Paragraph 21 of Vigilant's Counterclaim sets forth no factual allegations, and thus, no response is necessary.

22.

Adrain denies that U.S. Patent No. 5,831,669 ("the '669 patent") is invalid, unenforceable, and/or void.

(a) Adrain denies the allegations of Paragraph 22(a) of Vigilant's Counterclaim.

(b) Adrain denies the allegations of Paragraph 22(b) of Vigilant's Counterclaim.

(c) Adrain denies the allegations of Paragraph 22(c) of Vigilant's Counterclaim.

(d) Adrain denies the allegations of Paragraph 22(d) of Vigilant's Counterclaim.

(e) Adrain denies the allegations of Paragraph 22(e) of Vigilant's Counterclaim.

(f) Adrain denies the allegations of Paragraph 22(f) of Vigilant's Counterclaim.

(g) Adrain denies the allegations of Paragraph 22(g) of Vigilant's Counterclaim.

(h) Adrain denies the allegations of Paragraph 22(h) of Vigilant's Counterclaim.

(i) Adrain denies the allegations of Paragraph 22(i) of Vigilant's Counterclaim.

(j) Adrain denies the allegations of Paragraph 22(j) of Vigilant's Counterclaim.

(k) Adrain denies the allegations of Paragraph 22(k) of Vigilant's Counterclaim.

(l) Adrain denies the allegations of Paragraph 22(l) of Vigilant's Counterclaim.

(m) Adrain denies the allegations of Paragraph 22(m) of Vigilant's Counterclaim.

(n) Adrain denies the allegations of Paragraph 22(n) of Vigilant's Counterclaim.

(o) Adrain denies the allegations of Paragraph 22(o) of Vigilant's Counterclaim.

(p) Adrain denies the allegations of Paragraph 22(p) of Vigilant's Counterclaim.

23.

Adrain denies the allegations in the first sentence of paragraph 23 of Vigilant's counterclaim. Adrain denies that Vigilant is entitled to the relief sought in its Prayer for Relief.

AFFIRMATIVE DEFENSES TO VIGILANT VIDEO INC.'S COUNTERCLAIM

Without altering the burden of proof, Adrain asserts the following affirmative defenses to Vigilant's Counterclaim, which defenses are based upon Adrain's current investigation and prior to the results of any discovery from Vigilant:

First Affirmative Defense

Vigilant has failed to state a claim upon which relief can be granted.

Second Affirmative Defense

Adrain reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States and any other defenses, at law or in equity that may now exist or in the future be available based on discovery and further factual investigation in this case.

PRAYER FOR RELIEF

WHEREFORE, Adrain prays for entry of judgment as set forth in his Complaint and further prays that all relief sought by Vigilant be denied, Vigilant's Counterclaim be dismissed with prejudice, Adrain be granted his reasonable attorneys' fees in accordance with 35 U.S.C. § 285, costs be awarded to Adrain, and Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: July 22, 2010

By: /s/ John T. Polasek

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 22nd day of July, 2010, with a copy of this document will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John T. Polasek